



CASE 4-118-8353B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1617

NEUER ET AL.

Examiner: Lauren Wells

APPLICATION NO: 09/738,212

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED
HYDROXY-FATTY ACID

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

JUL 23 2004

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TECH. CENTER 1602/2900

REPLY

Sir:

This is in response to the BPAI decision dated November 10, 2003.

Cancel claims 31-33 without prejudice to applicants' rights thereto.

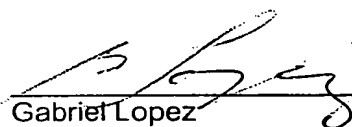
The remaining claims are 21-30, which stand rejected solely for double patenting over application 09/547,802. Attached is a Terminal Disclaimer over said application, which moots the rejection.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080

encl: Term Disc. + fee letter

Date: 1/8/04


Gabriel Lopez
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(862) 778-7882

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FEE LETTER

Sir:


Enclosed is a Terminal Disclaimer in the above-identified application.

The Commissioner is hereby authorized to charge the \$110 fee under 37 CFR §1.20(d) and any additional fees that may be required to Deposit Account No. 19-0134 in the name of Novartis. An additional copy of this paper is enclosed.

Respectfully submitted,

Novartis
Corporate Intellectual Property
One Health Plaza, Building 430
East Hanover, NJ 07936-1080

Date: 1/8/04


Gabriel Lopez
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